

REMARKS

Claims 1-16 are now present in this application.

Claims 1-4 have been amended, and claims 5-16 have been presented. Reconsideration of the application, as amended, is respectfully requested.

Claims 1-4 stand rejected under 35 USC 102(e) as being anticipated by MEINS et al., U.S. Patent 6,587,700. This rejection is respectfully traversed.

The MEINS et al. patent discloses a personal communicator with flip element display. Therefore, the buttons are sometimes above the display and sometimes beneath the display, as shown in Figs. 1 and 6, respectively.

The present invention, on the other hand, provides for a mobile communicator. This communicator includes a plurality of buttons and a display. The display is located below the plurality of buttons. This can be seen in Fig. 1 of the present invention, for example. The buttons and display are on a body of the mobile communicator, and this body is a rigid, non-flip body. Therefore, this arrangement is unlike the MEINS et al. reference. Instead of having a complicated flip-phone design, a stationary design can be had.

It is respectfully submitted that it would not be obvious to modify the MEINS et al. reference to be a one-piece, non-flip phone. The present invention provides for positioning of buttons in such a manner that makes it easy to hold the phone. A pleasing design is provided such that a big head, small body, or top heavy

proportion is not obtained. The user's thumb can usually reach the buttons and the style and proportion of the phone's appearance is more balanced. Such features on a one-piece phone are not contemplated on the MEINS et al. reference, simply because this is a flip-phone. The inventors of the present invention have recognized that, by positioning buttons on a rigid one-piece phone, certain advantages can be had. These advantages are not appreciated by the MEINS et al. reference.

Apart from independent claim 1, the dependent claims further distinguish the instant invention. For example, dependent claim 6 recites that the display is closer to the bottom of the body than all of the plurality of buttons. There are buttons 125, 126 and 127 in the MEINS et al. arrangement which are beneath the display. Dependent claim 8 also recites that the display is between all the plurality of buttons in the sound-sending aperture.

Dependent claim 9 recites that the body is a one-piece non-movable structure. This is again not shown in the MEINS et al. reference.

Dependent claim 10 recites that all of the plurality of buttons are located closer to the top of the body than the display. Again, buttons 125, 126 and 127 in the MEINS et al. reference are not in such a position.

Certain alignment features are brought out in dependent claims 12-16, which are not found in the utilized prior art. Nonetheless, it is respectfully submitted that independent claim 1, as well as all of the dependent claims, is neither suggested nor rendered

obvious by the MEINS et al. reference. Accordingly, it is respectfully requested that the 35 USC 102(e) rejection now be reconsidered and withdrawn.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

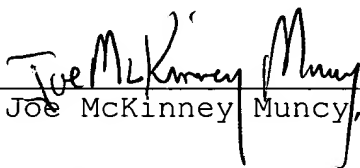
Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Joe McKinney Muncy, #32,334

KM/asc  
3313-0316P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000